

(D) Quorum required

A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) Prohibition on compensation

Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) Duties and authorities

The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) Limitation on authority

The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106-113).

(Pub. L. 106-567, title III, § 323, Dec. 27, 2000, 114 Stat. 2845.)

REFERENCES IN TEXT

Section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, referred to in subsec. (a)(6), is section 1000(a)(7) [div. A, title III, § 305] of div. B of Pub. L. 106-113, which is set out as a note under section 7301 of this title.

§ 7304. General provisions**(a) Report to Congress**

Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) Notification requirements

The notification requirements of sections 413a and 415 of title 50 shall apply to DTS-PO and the Board.

(c) Procurement authority of DTS-PO

The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) Definition of appropriate congressional committees of jurisdiction

As used in this chapter, the term “appropriate congressional committees of jurisdiction” means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Statutory construction

Nothing in this chapter shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) Authorization of appropriations for DTS-PO

For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this chapter.

(Pub. L. 106-567, title III, § 324, Dec. 27, 2000, 114 Stat. 2846.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

CHAPTER 81—INTERNATIONAL CRIMINAL COURT**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.	
7401.	Restriction relating to United States accession to the International Criminal Court.
7402.	Prohibition on extradition or transfer of United States citizens to the International Criminal Court.

SUBCHAPTER II—AMERICAN SERVICEMEMBERS' PROTECTION

7421.	Findings.
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7427. Authority to free members of the Armed Forces of the United States and certain other persons detained or imprisoned by or on behalf of the International Criminal Court.
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7430. Application of sections 7423 and 7425 to exercise of constitutional authorities.
7431. Nondelegation.
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SUBCHAPTER I—GENERAL PROVISIONS

§ 7401. Restriction relating to United States accession to the International Criminal Court

(a) Prohibition

The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

(b) Prohibition on use of funds

None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

(c) International Criminal Court defined

In this section, the term “International Criminal Court” means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VII, §705], Nov. 29, 1999, 113 Stat. 1536, 1501A–460.)

CODIFICATION

Section was formerly set out as a note under section 262–1 of this title.

SHORT TITLE

Pub. L. 107–206, title II, §2001, Aug. 2, 2002, 116 Stat. 899, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘American Servicemembers’ Protection Act of 2002.’”

§ 7402. Prohibition on extradition or transfer of United States citizens to the International Criminal Court

(a) Prohibition on extradition

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(b) Prohibition on consent to extradition by third countries

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(c) Definition

In this section, the term “International Criminal Court” has the meaning given the term in section 7401(c) of this title.

(Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VII, §706], Nov. 29, 1999, 113 Stat. 1536, 1501A–461.)

CODIFICATION

Section was formerly set out as a note under section 262–1 of this title.

SUBCHAPTER II—AMERICAN SERVICEMEMBERS’ PROTECTION

§ 7421. Findings

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: “We are left with consequences that do not serve the cause of international justice.”

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s juris-